IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA NORTHEASTERN DIVISION

)	
Plaintiff,)	
)	
v.)	
) Civil Case 2:10cv	56
Minn-Dak Growers Ltd.,	
) REPORT AND RECOM	MMENDATION
Defendant.)	

Plaintiff Arles J. Hecker ("Hecker") filed a pro se complaint against defendant Minn-Dak Growers, Ltd. on June 23, 2010 following this court's order granting plaintiff's motion to proceed in forma pauperis. (Doc. #3). On April 28, 2011, this court entered an Order to Show Cause directing Hecker to show cause before Monday, May 16, 2011 why he has not filed with the court proof of service of the summons and complaint on defendant as required by Rule 4 of the Federal Rules of Civil Procedure. Hecker has failed to respond to the Order to Show Cause. Accordingly, **IT IS RECOMMENDED** that Hecker's complaint be dismissed, without prejudice.

NOTICE OF RIGHT TO OBJECT

Pursuant to Rule 72(b), Federal Rules of Civil Procedure, and District of North Dakota Local Court Civil Rule 72.1(D)(3), any party may object to this Report and Recommendation by filing with the Clerk of Court and by serving upon all parties, within 14 days after being served herewith, a pleading specifically identifying those portions of the Report and Recommendation to which objection is made and the basis of any objection. Failure to object or to comply with this procedure may forfeit the right to seek review in the Court of Appeals.

Dated this 29th day of June, 2011.

/s/ Karen K. Klein
Karen K. Klein
United States Magistrate Judge